

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KENNETH PHILIP JACKSON, FX-4662,	)	
Petitioner,	)	
	)	
v.	)	2:15-cv-871
	)	
TREVOR A. WINGARD, et al.,	)	
Respondents.	)	

MEMORANDUM and ORDER

Mitchell, M.J.:

Kenneth Phillip Jackson, an inmate at the State Correctional Institution at Somerset presented a petition for a writ of habeas corpus (ECF No. 3). In a Memorandum filed on December 7, 2015 (ECF No. 19), we denied the petition on the grounds that since Jackson pled guilty to the underlying criminal charges, the only issue properly before the Court was whether his plea was knowingly, intelligently and voluntarily entered. Bradshaw v. Stumpf, 545 U.S. 175, 183 (2005).

On December 22, 2015, Jackson filed a notice of appeal (ECF No. 21), and on December 24, 2015 he filed objections to the December 7, 2015 Memorandum and Order (ECF No. 24). Upon notification to the Court of Appeals, on January 6, 2016 the latter Court dismissed the appeal so that the objections might be considered by this Court.

We observe that on July 21, 2015 Jackson filed his consent to this matter being determined by a Magistrate Judge pursuant to 28 U.S.C. §636(c)(1) with a direct appeal to the Court of Appeals (ECF No. 7). Thus, the Memorandum and Order filed on December 7, 2015 was appropriate and not subject to the filing of objections. 28 U.S.C. § 636(b)(1). For this reason, we will consider the objections as a Rule 60 Motion for Relief from Judgment or Order.

In his objections, Jackson seeks to raise the same substantive allegations raised in his original petition which we previously determined not matters properly subject to review as a result of his competent guilty plea. Thus, they will not be considered again, and we adopt and incorporate the reasoning as set forth in our December 7, 2015 Memorandum. For this reason,

IT IS ORDERED this 7<sup>th</sup> day of January, 2016, that the objections filed in this case, considered as a motion for relief from judgment be and the same are hereby DENIED.

The petitioner is advised that if he desires to appeal this decision, he must do so within thirty (30) days of this date by filing a notice of appeal.

s/ Robert C. Mitchell  
United States Magistrate Judge